

City Council Introduction: **Monday**, January 26, 2004
Public Hearing: **Monday**, February 2, 2004, at **1:30 p.m.**

Bill No. 04-16

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3433**, from R-4 Residential District to O-3 Office District, requested by Larry Albers, on property generally located at Haverford Drive and L Street.

STAFF RECOMMENDATION: Denial

ASSOCIATED REQUEST: Use Permit No. 33C (04R-17)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/07/04
Administrative Action: 01/07/04

RECOMMENDATION: Approval (9-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes').

FINDINGS OF FACT:

1. This change of zone request and the associated Use Permit No. 33C were heard at the same time before the Planning Commission.
2. The staff recommendation to deny this change of zone request is based upon the "Analysis" as set forth on p.3-4, concluding that the change of zone does not conform to the goals of the Comprehensive Plan. The Plan calls for office parks to obtain their access from arterial, not residential, streets, and for like uses to face each other across the street. In 1994, when vacant lots along L Street to the west of the lots in question were rezoned to O-3, staff made the same recommendation for denial of these two lots, and the applicant removed them from the request at that time.
3. The applicant's testimony is found on p.5-6, and the applicant's written response to the staff report and recommendation is found on p.12-17. The photographs of other similar situations of office buildings next to duplexes in the city submitted by the applicant are found on p.20-21, and photographs of the subject site are found on p.21. The applicant submitted a letter in support from the Past President of the Taylor Park Neighborhood Association (p.18) and from the seller of the subject property, The Gallup Organization (p.19). The applicant testified that he has met with the abutting neighbors and the two neighborhood associations in the area and there is no objection.
4. There was no testimony in opposition.
5. On January 7, 2004, the Planning Commission disagreed with the staff recommendation and voted 9-0 to recommend approval (See Minutes p.6-7).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 20, 2004

REVIEWED BY: _____

DATE: January 20, 2004

REFERENCE NUMBER: FS\CC\2004\CZ.3433

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 7, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #3433

PROPOSAL: Change the zoning from R-4 Residential to O-3 Office Park on two lots adjacent to the Gallup campus, for the purpose of joining these lots to the existing use permit for Gallup, and constructing an office building.

LOCATION: Haverford Drive and "L" Street

LAND AREA: 14,400 square feet, more or less.

CONCLUSION: This request to change the zoning from R-4 to O-3 on these lots does not conform to the goals and principles of the Comprehensive Plan.

RECOMMENDATION:

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lots 3 and 4, Executive Center 1st Addition, located in the NE 1/4 of Section 29 T10N R7E, Lancaster County, Nebraska.

EXISTING ZONING: R-4 Residential

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Single-family Residential	R-4 Residential
South:	Single-family Residential	R-4 Residential
East:	Offices	O-3 Office Park
West:	Single-family Residential	R-4 Residential

ASSOCIATED APPLICATIONS: Use Permit #33C

HISTORY:

Oct 1994 Change of Zone #2852 approved the rezoning of Lots 12 -20, Tews' Tract, from R-4 Residential to O-3 Office Park. The original proposal included Lots 9 and 10, now known as Lots 3 and 4, Executive Center 1st Addition, as well. The Planning Department opposed changing Lots 9 and 10, and Applicant subsequently removed those lots from the request.

May 1979 The zoning update changed zoning on this property from A-1 Single-Family Dwelling to R-4 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Land Use Plan shows this area as Urban Residential. (F 25)

Urban Residential: Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods. (F 15)

Guiding Principles for Commerce Centers

New or established commercial uses should not encroach upon, or expand into, existing neighborhoods. (F 41)

Guiding Principles for New and Existing Neighborhoods

Similar housing types face each other: single family faces single family, change to different use at rear of lot. (F 67)

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single-family faces single-family, change to different use at rear of lot...Expansion in existing [commercial] centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas. (F 69)

ALTERNATIVE USES:

These lots could be developed with single-family dwellings or townhouse, similar to the adjacent lots to the north, thereby providing a more substantial buffer between the established residential neighborhood and the office park.

ANALYSIS:

1. This is a request to change the zoning from R-4 Residential to O-3 Office Park on two lots adjacent to the Gallup campus, for the purpose of joining these lots to the existing use permit for Gallup, and constructing an office building.
2. These two lots are located at the intersection of Haverford Drive and "L" Street. Although currently vacant, the lots are adjacent to single-family attached dwellings on the north, and across Haverford Drive and "L" Street from single-family detached dwellings.
3. This is a sensitive part of the Taylor Park neighborhood. The homes along Haverford Drive have served as the place where the neighborhood is separated from the old Gallup campus and the recently expanded St. Elizabeth's Hospital campus. The O-3 Office Park District is intended to provide an appealing atmosphere, stressing the quality of the environment. Therefore, changes from residential character to intense commercial/office use are designed to occur at the rear of residential lots, giving the neighborhood a boundary of houses fronting the street, rather than using a street to separate the two distinct use patterns.
4. Although the O-3 Office Park District is intended to provide a mix of compatible and complimentary commercial and residential uses, the use permit as proposed does not. It provides only large scale office uses with no mixture of residential. Further, the proposal provides no buffer between the office uses and the residential area of the neighborhood. The current use permit utilizes the open space on these two lots to account for the lack of buffering between the residences and its vast parking lot.

5. Initially, townhouses were proposed along Haverford Drive to serve as a buffer, which would have provided similar uses facing the existing residential lots across the street. Currently, only the townhouses adjacent and north of these two lots are constructed. These two lots were intended to be developed in a similar fashion.
6. The O-3 Office Park designation is intended to be located on arterial streets in close proximity to commercial uses. The area of this use permit, in general, is located off of "O" and 70th Streets, which are arterials. The two lots proposed to be added are not located along an arterial. The addition of these lots expands the office uses further into the residential portion of the neighborhood. An alternative, Applicant could propose to utilize existing open area within the current boundaries of the use permit.
7. If this change of zone is approved, the O-3 Office Park district would allow office buildings, as well as some retail and service retail uses. Available Special Use Permits would include restaurants, including alcohol sales, medical testing laboratories, clubs, health care facilities, hotels and motels, and outdoor seasonal sales.
8. As part of Change of Zone #2852, the Planning Department was opposed to changing these two lots from R-4 Residential to O-3 Office Park. These lots were withdrawn from the request by the Applicant. The Staff analysis noted "The transition between the R-1 District and the O-3 District will be eliminated. The duplex lots were to serve as the buffer to the neighborhood. Although the applicant proposes open space across the street from the houses on Haverford, their view will be of a parking lot and parking garage. The residential structures would have visually buffered the "ground activity" on the site for these neighbors." This argument is still valid, and the duplex units remain a more appropriate use for these lots, as was originally proposed with Combined Use Permit/Special Permit #7.

Prepared by:

Greg Czaplewski
Planner

Date: **December 22, 2003**

Applicant: Alodium, L.L.C.
 911 Evergreen Drive
 Lincoln, NE 68510
 438.4421

Owner: Gallup, Inc.
 1001 Gallup Drive
 Omaha, NE 68102
 800.288.8592

Contact: Larry Albers
 320 Commerce Court
 1230 "O" Street
 Lincoln, NE 68508
 438.4421

CHANGE OF ZONE NO. 3433 and USE PERMIT NO. 33C

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 7, 2004

Members present: Carlson, Krieser, Larson, Marvin, Sunderman, Pearson, Taylor, Carroll and Bills-Strand.

Staff recommendation: Denial.

Ex Parte Communications: Commissioner Larson stated that he had a conversation with the applicant.

Proponents

1. Larry Albers, Suite 320 Commerce Court, 1230 O Street, presented the application and stated that he is here with encouragement from Gallup, the current owner of the two lots. Albers submitted a written response to the staff report. He clarified that he is not requesting to build a 155,000 sq. ft. building, which might be understood from the staff report. The application requests to increase the use permit covering the entire Gallup campus to 155,000 sq. ft. Albers is requesting to attach these two lots to the Gallup campus with the O-3 zoning. The O-3 zoning requires a use permit setting out the limitations and restrictions on the property. Albers is planning to build a small, single story, brick, professional office building with pitched roof, with the parking access off of the Gallup campus parking (there will be no new drives off of Haverford) with the full required screening. The size of the proposed building would be approximately the size of the duplex to the north.

When Albers first met with Gallup to purchase the property, it was agreed that it was most important that he develop something that would not be intrusive into the neighborhood and that would be acceptable to the neighborhood. He called Bill Brown, President of the Taylor Park Neighborhood Association, who lives right across the street on Haverford Drive. They met and Mr. Brown is very interested in the plans and thought the neighbors would be as well. The Neighborhood Association had their annual picnic in September, so Albers attended the picnic in Taylor Park, with approximately 40 people in attendance. He gave a full presentation. He had sent a letter to the neighbors describing his plans. He called the neighbors that have homes fronting the two lots. At the Neighborhood Association meeting, there were some questions but there was nothing negative that came out of the meeting. In fact, the comments were quite positive.

Albers further explained that at that point, the zoning map showed the two lots as O-3, so at the time Albers thought this would only be an administrative permit. However, in working with the Planning Department, it was discovered in November that there had been an error on the zoning map and the two lots were actually zoned R-4, and Ray Hill of the Planning Department informed the applicant that he would have to request a change of zone.

After the staff report came out with a recommendation of denial, Albers checked to make sure there wasn't anything that he was missing in terms of the neighbors. He met with Bob Els, the new President of the Taylor Greens Association (Haverford Drive feeds into Taylor Greens). Bob and his wife were in favor and they had talked with some of the neighbors in Taylor Greens who had no objections. He again called Bill Brown last night and there were no objections. Albers is aware of no neighborhood objection. He also submitted a letter from Bill Brown in support. Albers also talked with the two owners of the duplex located just north. Their questions did not relate to his project. The confusion was over the 155,000 sq. ft. number that showed up in the staff report. Albers also noted that there has been a request for a stop sign at L and Haverford, which is a Public Works issue that he will deal with later.

Albers also submitted a letter from Gallup confirming their desire to make sure that the plans are kept reasonable and accommodating and non-intrusive to the neighbors.

Albers then submitted photographs of the site and examples of other office buildings in the city located next to residential properties (duplexes). Albers pointed out that construction of another duplex on the subject property would cause the need for additional access on Haverford and/or L Street.

Albers agreed with all conditions of approval set forth in the staff report.

Larson inquired whether Albers himself would use this entire building. Albers indicated that he would use about half for his law office and the other half for other professional offices.

Marvin confirmed that Albers visited with the owners/occupants of the duplex to the north and explained the R-4 zoning situation. Albers acknowledged that he did meet with them and showed them the plan. They had no objections. One of the women stated that she was very pleased.

There was no testimony in opposition.

Staff questions

Carlson asked staff to respond to the design control under the use permit. When he read the staff report, he thought about the R-T and the controls we have in that zoning district. If this building doesn't get built, what are some other incompatible buildings that might be constructed? What design controls do we have under the use permit? Ray Hill of the Planning staff clarified that this use permit does not go just to this builder, but to the owner. Whoever owns the property must comply with these conditions of approval. Any change would require a modification of the use permit.

Pearson inquired about the error on the zoning map. When Albers purchased the property, did he think it was O-3? Greg Czaplewski of Planning staff believes that was what they thought. The map was not correct.

Response by the Applicant

Carlson asked the applicant if he was comfortable that his building design will fit within the conditions. Albers stated that he did not want to go too far down the road but he has indicated to the neighbors and the neighborhood associations that before he gets too far along with design, he is going to present it to them.

CHANGE OF ZONE NO. 3433

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 7, 2004

Larson moved approval, seconded by Taylor.

Carlson believes this all goes back to design. He noticed that the pictures the applicant displayed showed office buildings buffered by duplexes, but he thinks that the building the applicant is proposing will fit in with the neighborhood.

Bills-Strand is supportive because this does not require additional driveways, which helps the neighborhood.

Motion for approval carried 9-0: Carlson, Krieser, Larson, Marvin, Sunderman, Pearson, Taylor, Carroll and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

USE PERMIT NO. 33C

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 7, 2004

Larson moved approval, with conditions, with amendment deleting Condition #1.1.2 and #3 because the waiver of required parking was withdrawn by the applicant, seconded by Taylor and carried 9-0: Carlson, Krieser, Larson, Marvin, Sunderman, Pearson, Taylor, Carroll and Bills-Strand voting 'yes'. This is a recommendation to the City Council.



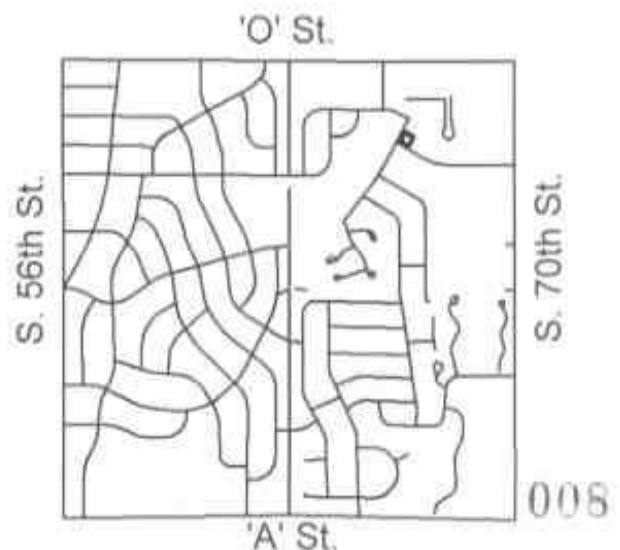
2002 aerial

Change of Zone #3433 Haverford Dr & L Street

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 28 T10N R7E



Larry V. Albers

Attorney

Suite 320 Commerce Court
1230 "O" St, Lincoln, NE 68508
tel: 402-438-4421 fax: 402-438-4680

HAND DELIVERY

December 11, 2003

Greg Czaplewski
Lincoln-Lancaster County Planning Dept.
555 S 10th Street, Suite 213
Lincoln, NE 68508

DEC 11 2003

RE: Alodium, LLC: Application For Change of Zone and Application for Use Permit
Property: (Lots 3 & 4, Executive Center 1st Addition, Lincoln, Lancaster County,
Nebraska)

Dear Greg:

On behalf of Alodium, LLC, the Applicant, and Gallup, Inc., the Owner, I submit
the following:

- 1) City of Lincoln Zoning Application, the Application for Change of Zone;
- 2) City of Lincoln Zoning Application, the Application for Use Permit (7a,
amending Use Permit/Special Permit 7);
- 3) Use Permit Drawings - Davis Design - Existing Conditions (21 copies);
- 4) Use Permit Drawings Supplement - Alodium, LLC - Supplement No. 1 to Use
Permit Drawings - Existing Conditions prepared by Davis Design (21 Copies);
- 5) Use Permit Drawings Supplement - Alodium, LLC - Supplement No. 1 to Use
Permit Drawings - Existing Conditions prepared by Davis Design (21 Copies);
- 6) Use Permit Drawings - Davis Design - Proposed Conditions Phase 9 (21
copies);
- 7) Ownership Certificate;
- 8) A Check, No. 0097, for \$370.00 as filing fees for Change of Zone
Application; and
- 9) A Check, No. 0096, for \$740.00 as filing fees for Use Permit Application.

**COMBINED PURPOSE STATEMENT
CHANGE OF ZONE AND USE PERMIT**

The Introduction to the O-3 Zoning Classification reads as follows:

"This district is intended to provide a developing or redeveloping area primarily consisting of a mixture of office and other types of compatible and complementary commercial uses, and residential uses in suburban areas. This district is intended to be located on arterial streets in close proximity to commercial uses. This district is intended to provide an appealing atmosphere, stressing the quality of the environment."

The Applicant seeks to change the current zoning of the Property from R-4 to O-3, the zoning classification of the Gallup Office Park to the east and north. The initial development by David Tews called for approximately 30 lots to be zoned R-4 to run along the south border of the entire development tract, immediately adjacent to Haverford and L Streets. The original development was changed over the years until only 4 lots zoned R-4 remain, the rest of the lots having been rezoned to O-3. The only other lots remaining R-4 are immediately adjacent to the Property, improved with a duplex.

In the past, Gallup sought to use the Property for a parking lot associated with its larger office buildings. Gallup is selling all of its real estate in Lincoln, including the Property. The Applicant has met with the neighbors, as discussed below, and all parties affected are interest in seeing the Property's use remain compatible and complementary to the Office Park and to the abutting residential neighborhood.

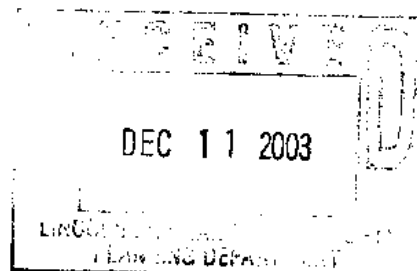
The Applicant also submits an application for a Use Permit as required by the City of Lincoln Zoning Code. The Applicant desires to construct a small office building on the Property with no more than 3,000 S.F. of floor area on the first floor, and 1,000 S.F. of floor area in the basement.

The Applicant believes it important that the new office building have a "transitional" design accommodating the residential character of the housing across Haverford and L Streets. To that end, the Applicant proposes further limiting conditions:

- 1) The Office Building will be limited to one story;
- 2) The exterior fascia to the Office Building will consist primarily of brick;
- 3) The Office Building will have a set back of 30 feet from the west property line as shown on the Use Permit Plans submitted, instead of the 20 feet otherwise allowed; and
- 4) Access will be limited to a drive located to the east directly into the access off L Street into the Gallup Office Park.

Space in the Office Building will be leased by the Applicant to Larry Albers for a law office. The traffic generated by such use is extremely low, perhaps 4 cars a day. The remaining space is anticipated to be leased for professional or other offices, the traffic to which is not anticipated to be significant given the limited parking of only 12 stalls on the Property.

Neighbors Interest.



Each neighbor within 200 feet of the site was sent a letter on September, 13, 2003, describing the proposed changes and a general description of the building and parking configuration. I then met with the Taylor Park Association President, Bill Brown, and reviewed the plans. Following the meeting, I called those neighbors with telephone numbers in the Alltel Directory to personally solicit any comments, concerns or suggestions. Then on Sunday, September 24, I attended the annual meeting of the Taylor Park Association held in Taylor Park, again reviewing the plans relating to parking, access, building size, use, and landscaping, I also solicited comments and questions from approximately 40 people in attendance.

The comments I received from the neighbors were encouraging, with most indicating a preference to a small office as opposed to a parking lot, or atypical residential housing. No one expressed any dissatisfaction with my plans, or offered any changes.

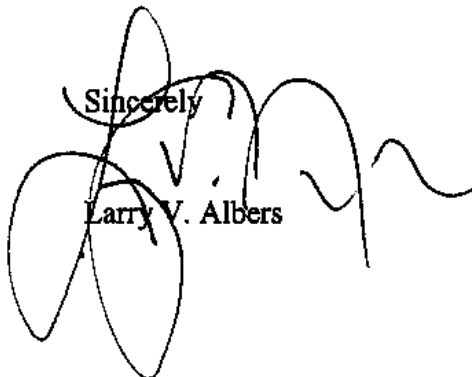
Since my discussions with the neighbors, the Applicant had to modify the plans to accommodate parking on the Property. A drawing showing the latest configuration was sent to all neighbors required or asked to be notified, and to the President of the Taylor Park Neighborhood Association.

Landscaping Plan.

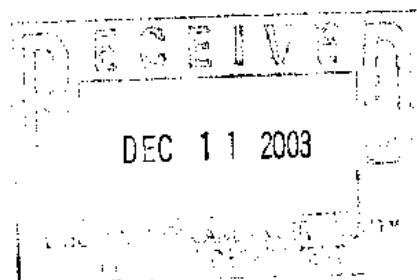
Applicant requests that submittal and review of the landscaping plan be deferred until prior to the filing of an application for building permit. The deferral will allow Applicant to assess the final layout of the site. The landscaping plan submitted will comply with the City of Lincoln's "Design Standards For Screening And Landscaping."

If you have any questions, please let me know.

Thank you.

Sincerely

Larry V. Albers

LVA \ ss
cc: Evan Perkins (letter only)



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**APPLICANT'S RESPONSE
TO
LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

for January 7, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #3433

PROPOSAL: Change the zoning from R-4 Residential to O-3 Office Park on two lots adjacent to the Gallup campus, for the purpose of joining these lots to the existing use permit for Gallup, and constructing a small, single story office building.

LOCATION: Haverford Drive and "L" Street

LAND AREA: 14,400 square feet, more or less; 0.3 acres, more or less.

CONCLUSION: This request to change the zoning from R-4 to O-3 on these lots does not conform to the goals and principles of the Comprehensive Plan.

COMMENT: The request conforms to the goals and principles of the Comprehensive Plan, subject to Applicant's acceptance of the Planning Department's "Conditions for Approval" [p 135] in the Staff Report for the Use Permit.

RECOMMENDATION: Denial

COMMENT: The zoning change request should be granted, subject to Applicant's acceptance of the Planning Department's "Conditions for Approval" [p 135] in the Staff Report for Use Permit #33C.

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lots 3 and 4, Executive Center 1st Addition, located in the NE 1/4 of Section 29 T10N R7E, Lancaster County, Nebraska.

EXISTING ZONING: R-4 Residential

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Single-family Residential	R-4 Residential
South:	Single-family Residential	R-4 Residential
East:	Offices	O-3 Office Park
West:	Single-family Residential	R-4 Residential

ASSOCIATED APPLICATIONS: Use Permit #33C

HISTORY:

Oct 1994 Change of Zone #2852 approved the rezoning of Lots 12 -20, Tews' Tract, from R-4 Residential to O-3 Office Park. The original proposal included Lots 9 and 10, now known as Lots 3 and 4, Executive Center 1st Addition, as well. The Planning Department opposed changing Lots 9 and 10, and Applicant subsequently removed those lots from the request.

May 1979 The zoning update changed zoning on this property from A-1 Single-Family Dwelling to R-4 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Land Use Plan shows this area as Urban Residential. (F 25)

COMMENT: The Zoning Map shows the zoning of the two lots as O-3. The lots have also been taxed by the County Assessor as O-3, not R-4. The Land Use Plan also shows this area as Commercial.

Until the Planning Department discovered that the Zoning Map was in error, Planning staff and Applicant agreed to the specific elements set out in Item 4 of the Planning Department's "Conditions for Approval" [p 135]. Those elements include limiting the building to a single story, brick exterior office building with a pitched roof and with windows and doors oriented towards Haverford Drive and L Street. The conditions also require a 30' setback along Haverford Drive and access only from the east, off the existing L Street entrance.

Urban Residential: Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods. (F 15)

The health of Lincoln's varied neighborhoods and districts depends upon implementing appropriate and individualized policies. (F15)

Guiding Principles for Commerce Centers

New or established commercial uses should not encroach upon, or expand into, existing neighborhoods. (F41)

NEIGHBORHOOD CENTERS (Existing centers may vary in size from 50,000 to 300,000 square feet.)

These criteria will serve as a guide to future actions until they are formalized and included in the zoning ordinance.

- Provide a significant mix of uses, including office, service, retail, residential and open space – far more than a typical single use center.

Guiding Principles for New and Existing Neighborhoods

Similar housing types face each other: single family faces single family, change to different use at rear of lot. (F 67)

Neighborhoods should include homes, stores, workplaces, schools and places to recreate. (F 66)

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single-family faces single-family, change to different use at rear of lot. Expansion in existing [commercial] centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas. (F 69)

Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use. (F 69)

ALTERNATIVE USES:

These lots could be developed with single-family dwellings or townhouse, similar to the adjacent lots to the north, thereby providing a more substantial buffer between the established residential neighborhood and the office park.

COMMENT: Constructing another single family dwelling or duplex is probably not feasible, as it attempts to create yet another residential buffer. There is little market appeal for such housing.

Planning Staff acknowledge that the proposed office building would also create a substantial buffer. The Staff Report reads in part:

"However, the office building a proposed by Applicant, which is limited to one story, brick faced, and has an increased setback, could also provide the visual buffer to the larger office building and parking areas". [p.133].

Applicant is willing to meet all of the Planning Department's "Conditions for Approval" [p 135].

ANALYSIS:

1. This is a request to change the zoning from R-4 Residential to O-3 Office Park on two lots adjacent to the Gallup campus, for the purpose of joining these lots to the existing use permit for Gallup, and constructing an office building.
2. These two lots are located at the intersection of Haverford Drive and "L" Street. Although currently vacant, the lots are adjacent to single-family attached dwellings on the north, and across Haverford Drive and "L" Street from single-family detached dwellings.

COMMENT: These lots lie within a block that is otherwise occupied entirely by office buildings. One dwelling to the north is a duplex.

3. This is a sensitive part of the Taylor Park neighborhood. The homes along Haverford Drive have served as the place where the neighborhood is separated from the old Gallup campus and the recently expanded St. Elizabeth's Hospital campus. The O-3 Office Park District is intended to provide an appealing atmosphere, stressing the quality of the environment. Therefore, changes from residential character to intense commercial/office use are designed to occur at the rear of residential lots, giving the neighborhood a boundary of houses fronting the street, rather than using a street to separate the two distinct use patterns.

COMMENT: Applicant concurs that the two lots are a sensitive part of the Taylor Park neighborhood. To address any neighborhood concern, Applicant has:

- met with the Taylor Park Neighborhood Association President, Bill Brown;
- sent a letter explaining the proposed use and plans to the surrounding neighbors;

- attended the Taylor Park Neighborhood Association Annual Picnic in September, make a presentation to over 40 neighbors present;
- met individually with neighbors, including owners of one of the duplex units to the north;
- sent another letter to the neighbors detailing the plans after the Planning Department Staff Report; and
- sent a letter to the Presidents of the Taylor Park, Taylor Meadows, and Taylor Greens Neighborhood Associations.

The neighbors' comments received have been positive and encouraging, with no one offering any negative comment to the proposal for a small office building.

4. Although the O-3 Office Park District is intended to provide a mix of compatible and complimentary commercial and residential uses, the use permit as proposed does not. It provides only large scale office uses with no mixture of residential. Further, the proposal provides no buffer between the office uses and the residential area of the neighborhood. The current use permit utilizes the open space on these two lots to account for the lack of buffering between the residences and its vast parking lot.

COMMENT: Constructing another single family dwelling or duplex is probably not feasible, as it attempts to create yet another residential buffer. There is little market appeal for such housing.

Planning Staff acknowledge that the office building proposed would also create a substantial buffer. The Staff Report reads in part:

"However, the office building a proposed by Applicant, which is limited to one story, brick faced, and has an increased setback, could also provide the visual buffer to the larger office building and parking areas". [p.133].

Applicant is willing to meet all of the Planning Department's "Conditions for Approval" to the Use Permit [p 135].

5. Initially, townhouses were proposed along Haverford Drive to serve as a buffer, which would have provided similar uses facing the existing residential lots across the street. Currently, only the townhouses adjacent and north of these two lots are constructed. These two lots were intended to be developed in a similar fashion.

COMMENT: By previous action, the City Council eliminated the requirement that only townhouses be constructed as a buffer facing the existing residential lots across the street. A day care exists across Haverford to the north.

A small office building meeting the design elements of the Planning Department's "Conditions for Approval" [p 135] for the Use Permit will serve as a buffer in the same, or better, manner than a duplex. Applicant is willing to meet all of the Planning Department's "Conditions for Approval" to the Use Permit [p 135].

6. The O-3 Office Park designation is intended to be located on arterial streets in close proximity to commercial uses. The area of this use permit, in general, is located off of "O" and 70th Streets, which are arterials. The two lots proposed to be added are not located along an arterial. The addition of these lots expands the office uses further

into the residential portion of the neighborhood. An alternative, Applicant could propose to utilize existing open area within the current boundaries of the use permit.

COMMENT: The existing O-3 Use Permit area is not abutting any arterial. The two lots abut the existing O-3 Use Permit area, and are on the same side of the street as the O-2 lots running east along L Street.

7. If this change of zone is approved, the O-3 Office Park district would allow office buildings, as well as some retail and service retail uses. Available Special Use Permits would include restaurants, including alcohol sales, medical testing laboratories, clubs, health care facilities, hotels and motels, and outdoor seasonal sales.

COMMENT: The existing R-4 zone also allows Special Use Permits for clubs, health care facilities, broadcast towers, and outdoor seasonal sales, among other uses. Applicant is not requesting any use other than for an office, and the City can continue to prohibit all other special uses.

8. As part of Change of Zone #2852, the Planning Department was opposed to changing these two lots from R-4 Residential to O-3 Office Park. These lots were withdrawn from the request by the Applicant. The Staff analysis noted "The transition between the R-1 District and the O-3 District will be eliminated. The duplex lots were to serve as the buffer to the neighborhood. Although the applicant proposes open space across the street from the houses on Haverford, their view will be of a parking lot and parking garage. The residential structures would have visually buffered the "ground activity" on the site for these neighbors." This argument is still valid, and the duplex units remain a more appropriate use for these lots, as was originally proposed with Combined Use Permit/Special Permit #7.

COMMENT: The previous Change of Zone request would have allowed the lots entirely for parking. Applicant concurs that a visual buffer to a parking lot and parking garage is appropriate, and asserts that:

- (a) a small office meeting the Planning Department's "Conditions for Approval" [p 135] design and setback requirements achieve that end;
- (b) small office design will equal or exceed the visual buffer expectations of a duplex under the current R-4 zone; and
- (c) constructing another single family dwelling or duplex is probably not feasible, as it attempts to create yet another residential buffer. There is little market appeal for such housing.

Planning Staff acknowledge that the proposed office building would also create a substantial buffer. The Staff Report reads in part:

"However, the office building a proposed by Applicant, which is limited to one story, brick faced, and has an increased setback, could also provide the visual buffer to the larger office building and parking areas". [p.133].

Change of Zone #3433
Haverford Drive and "L" Street

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Applicant is willing to meet all of the Planning Department's "Conditions for Approval" to the Use Permit [p 135].

Prepared by:
Greg Czaplewski
Planner

Date: December 22, 2003

Response by:
Larry V. Albers,
Gallup, Inc. and Alodium, LLC

Date: January 5, 2004

Applicant: Alodium, L.L.C.
911 Evergreen Drive
Lincoln, NE 68510
438.4421

Owner: Gallup, Inc.
1001 Gallup Drive
Omaha, NE 68102
800.288.8592

Contact: Larry Albers
320 Commerce Court
1230 "O" Street
Lincoln, NE 68508
438.4421

January 7, 2004

Lincoln/Lancaster County Planning Commission
555 S 10th St.
Lincoln NE 68508

Dear Commissioners:

This letter is to inform you that Mr. Albers has solicited our ideas and concerns regarding his construction project at L Street and Haverford Drive.

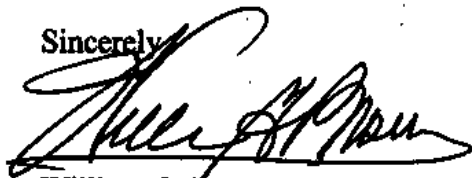
He sought me out, as the most recent acting President of the Taylor Park Neighborhood Association and participated in a question and answer period at our Neighborhood picnic in September. He has also sent mailings to neighbors directly affected.

Feedback from the meetings has been positive as the project, as outlined, has been designed to fit into the neighborhood with minimal exposed parking, appropriate landscaping, it's small size, and architecture that blends in. I have not received any negative feedback.

I have contacted a few of the neighbors directly affected and we believe that this project is as suitable as we can expect for the zoning the property has.

I do not object to this plan.

Sincerely,



William G. Brown
Past President, Taylor Park Neighborhood Association
421 Haverford Dr.
Lincoln, NE 68510

THE GALLUP ORGANIZATION

EVAN G. PERKINS
Corporate Legal Counsel

GALLUP RIVERFRONT CAMPUS
1001 Gallup Drive
Omaha, NE 68102 USA
(402) 951-2003
Fax (402) 938-5927
Evan_Perkins@gallup.com

HAND DELIVERY

January 7, 2004

Planning Commission
555 South 10th, Room 213
Lincoln, NE 68508

RE: Alodium Application for Rezone and Use Permit

Dear Commission Members:

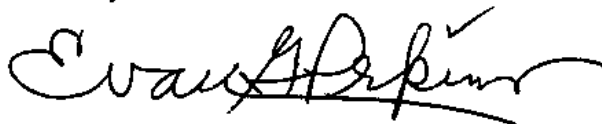
In August, Larry Albers asked Gallup to consider selling its two vacant lots at the corner of Haverford Drive and L Street. Larry described his desire to build a small, single story, brick office building compatible with the neighborhood. We also discussed measures to limit intrusion into the neighborhood, including the need to allow access to the lots from the Gallup Campus, thereby avoiding new entrances off L Street and Haverford Drive. Only after Gallup was satisfied that Larry's plans would be compatible with the neighborhood and with the Gallup Campus, did we agree to sell the two vacant lots to Larry and Dee Albers (Alodium, LLC). In these discussions, we required Larry to meet with and gain the approval of the neighbors around these lots in order to insure everyone was informed and in agreement with this use.

Gallup supports Alodium's plans for the rezoning of the lots, and the conditions for the Use Permit stipulated by the Planning Staff in its Report. Those conditions are consistent with the plans Larry described, and provide in our opinion, a better choice for buffering the neighborhood than either a single family home or duplex. Building additional residences would likely require two more entrances off L Street or Haverford Drive, and not provide any better aesthetic buffer than a small, brick office building with a pitched roof. We also question whether there is a market for new dwellings on these two lots, with backyards fronting our parking lot and side yards located on two, sometimes busy streets.

We ask that you approve Alodium's request for rezone and the accompanying application for a Use Permit.

Thank you for your consideration.

Sincerely,



Evan G. Perkins

cc: Larry V. Albers



